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11 UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF WASHINGTON  
13

14 JEREMY OLSEN,

15 Plaintiff,

16 v.

17 XAVIER BECERRA, in his official  
18 capacity as Secretary of the United States  
19 Department of Health and Human  
20 Services,

21 Defendant.

No. 2:21-CV-00326-SMJ

DECLARATION OF  
JOHN T. DRAKE

22 I, John T. Drake, hereby declare as follows:

23 1. I am over the age of 18 and competent to testify herein. I have personal  
24 knowledge of the facts set forth below.

25 2. I am counsel of record for Defendant in the above-captioned case.

26 3. Attached hereto as **Exhibit A** is a true and correct copy of an email  
27 message I sent to James Pistorino, counsel for Plaintiff, on February 25, 2022, along  
28 with the PDF document that was attached to that email. The portions of this email  
that are relevant to the instant motion are highlighted in yellow.

1           4.       Attached hereto as **Exhibit B** is a true and correct copy of an email  
2 message I sent to Mr. Pistorino on February 28, 2022. The portions of this email that  
3 are relevant to the instant motion are highlighted in yellow.  
4

5           Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above  
6 statements are true and correct.

7           DATED: March 12, 2022  
8

9                               Respectfully submitted,  
10

11                               *s/John T. Drake*  
12                               John T. Drake

**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2022, I caused to be delivered via the method listed below the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following:

<b>NAME &amp; ADDRESS</b>	<b>Method of Delivery</b>
Roger Townsend BRESKIN JOHNSON TOWNSEND 1000 Second Ave., Suite 3670 Seattle, WA 98104	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____
James Pistorino PARRISH LAW OFFICES 788 Washington Road Pittsburgh, PA 15228	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____

s/John T. Drake  
John T. Drake